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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,865	06/07/2001	Mark Andrew Benny	AUS9-2001-0208-US1	9366
7590 Kelly K. Kordzik 5400 Renaissance Tower 1201 Elm Street Dallas, TX 75270			EXAMINER SHAAWAT, MUSSA	
			ART UNIT 2128	PAPER NUMBER
DATE MAILED: 11/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/875,865

Applicant(s)

BENNY ET AL.

Examiner

Mussa A Shaawat

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) i  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to Application # 09/875,865, filed on June 07, 2001. Claims 1-24 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Erik Freed US patent No. (6,269,473) referred to hereinafter as Freed.

Re claim 1, Freed teaches a method for creating an information technology technical architecture comprising the steps of: establishing a technical model that includes architectural building blocks and defined relationships between the architectural building blocks (see col.4 lines 60-67, and col.5 lines 10-16, where each DCT has a set of functions that is interpreted to be the architectural Building block; where the DCT has a combinable characteristic to merge with other DCT properties “relationships”); and developing a technical delivery framework that addresses specific information technology requirements (see col.2 lines 39-46, where in a software model includes a technical framework that allows the user to modify the model in order to meet certain requirements of the user) of a first customer using the architectural building blocks and defined relationships between the architectural building blocks (see col.5 lines 18-27).

Re claim 2, Freed teaches a method as recited in claim 1, further comprising the step of: developing a technical delivery framework that addresses specific information technology requirements (see col.2 lines 39-46, where in a software model is a technical frame with the ability to modify the model in order to meet certain requirements of the user) of a second customer using the architectural building blocks and defined relationships between the architectural building blocks (see col.5 lines 18-27, where each DCT has a set of functions and is interpreted to be the architectural Building block).

Re claim 3, Freed teaches a method as recited in claim 1, wherein the technical delivery framework developed for the first customer includes design objects (see col.2 lines 39-46, where in a software model is a technical frame with the ability to modify the model in order to meet certain requirements of the user) and relationships between the design objects (see col.5 lines 1-10).

Re claim 4, Freed teaches a method as recited in claim 3, wherein the design objects are developed as a function of the architectural building blocks of the technical model (col.5 lines 28-34).

Re claim 5, Freed teaches a method as recited in claim 3, wherein the relationships between the design objects are developed as a function of the relationships between the architectural building blocks of the technical model (see col.5 lines 22-34, where in merging properties together by defined union identities implies corresponds to a functional relationship, where the technical model is a software model).

Re claim 6, Freed teaches a method as recited in claim 1, wherein the architectural building blocks and defined relationships between the architectural building blocks are a

function of a set of predefined principles and key requirements (see col.5 lines 4-19, where each DCT has a set of functions and is interpreted to be the architectural Building block).

Re claim 7, Freed teaches a method as recited in claim 1, wherein the technical delivery framework for the first customer is developed in a manner consistent across all of the first customer's information technology environments regardless of computing platforms running in the environments (see col.21 lines 4-26).

Re claim 8, Freed teaches a method as recited in claim 1, wherein the relationships between the architectural building blocks are arranged in predefined logical levels (col.5 lines 25-30).

Re claims 9-16, the limitations of claims 9-16 are similar to the limitations of claims 1-8; therefore they are rejected based on the same rationale, supra.

Re claims 17-24, the limitations of claims 17-24 are similar to the limitations of claims 1-8; therefore they are rejected based on the same rationale, supra.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Montgomery et al. US Patent No. (6,401,081) Modular object-based architecture for extensible master station software.
- Anderson et al. US Patent No. (6,640,231) Ontology for database design and application development.
- Caswell et al. US Patent No. (6,662,355) Method and system for specifying and implementing automation of business processes.

*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (571) 272-3785. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat  
Patent Examiner  
November 12, 2004

JEAN R HOMERE  
PRIMARY EXAMINER